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UNITED PARCEL SERVICE, INC.

8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA  
10 EASTERN DIVISION

11  
12 JULIO C. DIAZ, individually and on  
behalf of others similarly situated,

13 Plaintiff,

14 vs.

15 UNITED PARCEL SERVICE, INC.,

16 Defendant.  
17

Case No.

DECLARATION OF TAMARA  
CALDWELL IN SUPPORT OF  
REMOVAL OF CIVIL ACTION

[San Bernardino County Superior Court  
Case No. CIVVS907417]

BY FAX

LEGAL\_US\_W # 63427732.1

CASE NO.

DECLARATION ISO REMOVAL OF CIVIL ACTION

COPY

1 I, Tamara Caldwell, declare:

2  
3 1. I am Employment Litigation Manager, UPS Corporate Legal,  
4 for United Parcel Service ("UPS"). I make this declaration in support of UPS's  
5 Notice of Removal of Action. I have personal knowledge of the facts set forth in  
6 this declaration and could and would competently testify to them under oath if  
7 called as a witness.

8  
9 2. UPS is now, and was at the time this action commenced, a  
10 corporation incorporated under the laws of the State of Ohio, with its principal  
11 place of business in the State of Georgia.

12  
13 3. By virtue of my position with UPS, I am knowledgeable about  
14 UPS's human resources and payroll databases, which contain data showing, *inter*  
15 *alia*, all employees employed by UPS in the State of California over the past four  
16 years, their positions, their dates of employment, and their wage rates. These data  
17 are entered into and maintained in the databases in the ordinary course of business  
18 and are relied upon by UPS in performing a variety of human resource and payroll  
19 functions.

20  
21 4. In connection with making this declaration, I relied on data from  
22 the human resources and payroll data bases to draw the following conclusions:

23  
24 5. From November 10, 2005 to December 14, 2009 (a period  
25 equivalent to the "four years preceding the filing of the complaint" proposed by  
26 Plaintiff in his Complaint), UPS employed no less than 17,921 individuals in part-  
27 time loader/unloader, sorter, and part-time supervisor positions in sort operations  
28 other than the hub operations that were covered by the *Tejeda* lawsuit, that thus

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1 potentially fall within Plaintiff's proposed class definition. See Complaint, ¶ 9  
2 (defining proposed class).

3  
4 6. UPS is in the process of investigating which of those individuals  
5 worked shifts greater than six hours, but cannot have that information prior to  
6 removal due to the size of the proposed class, complications in identifying  
7 appropriate data, the size of potential data bases, and the resources and time needed  
8 to gather information and perform a reliable analysis.

9  
10 7. Per the Collective Bargaining Agreement that dictates the terms  
11 and conditions of employment for part-time hourly employees, the minimum hourly  
12 wage paid to any of these employees was \$8.50 per hour. This rate—which applies  
13 only to unskilled positions—increases to a minimum of \$9.00 per hour after ninety  
14 calendar days on the jobs, and is then subject to annual increases. The rate for  
15 skilled part-time hourly employees—which make up a substantial portion of the  
16 proposed class—is one dollar per hour higher than the rate for unskilled positions,  
17 and is also subject to annual increases. Employees in part-time supervisory  
18 positions are compensated at an even higher rate. At a minimum, the class-wide  
19 average rate of pay exceeds \$10.00 per hour.

20  
21 8. In providing the Court with these data, UPS does not admit that  
22 it failed to provide meal periods to members of the proposed class.

23  
24 Executed on 16 December, 2009 at Atlanta, Georgia.

25  
26   
27 TAMARA CALDWELL  
28